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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/721,995 | 11/26/2003 | Takashi Suzuki | 032038 | 6536 |
| 38834 | 7590 | 06/07/2005 | EXAMINER | |
| WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036 | | | ADAMS, GREGORY W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3652 | |

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/721,995 | SUZUKI, TAKASHI |
| | Examiner Gregory W. Adams | Art Unit 3652 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

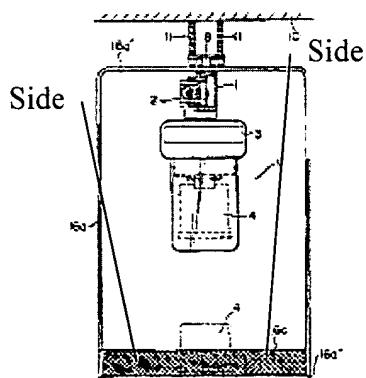
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiwaku (US 6,183,184) cited by applicant.

With respect to claim 1, referring to FIGS. 1-14 Shiwaku discloses an overhead traveling carriage system having overhead traveling carriages 2, article 4, running path 1, conveying means 3, carriage body 7, V, buffers 16, 16a, to the side of a running path 1 as shown below, and loading and unloading means 42, 44. It is noted that Shiwaku disclose placement of the buffer 16, 16a to the side of a path.



With respect to claim 2, referring to FIGS. 1-14 Shiwaku discloses an upper station 50, and input and output means 42, 44. Referring to FIGS. 1 & 11 Shiwaku discloses placement of the station 50 to the side of running path 1.

With respect to claim 3, referring to FIGS. 1-14 Shiwaku discloses a ground station p1, p2, and a hoist 7, 5, that operates in a vertical direction.

With respect to claim 4, referring to FIGS. 12 Shiwaku discloses buffers 16, 16a and upper station 50 that are opposite each other across the running path 1. Referring to FIGS. 12 it is noted that buffer 16, 16a is on the opposite end from station 50, while a buffer 16, 16a and upper station 50 are cross the running path 1.

With respect to claim 5, referring to FIGS. 1-14 Shiwaku discloses ground station p1, p2, below a running path 1, hoist 7, 5, mounted to an overhead traveling carriage 2, wherein the hoist delivers and receives articles 4 in a vertical direction.

With respect to claim 6, referring to FIGS. 1-14 Shiwaku discloses ground station p1, p2, below a running path 1, and a hoist 7, 5 to deliver and receive articles 4 to and from ground station p1, p2.

Response to Arguments

3. Applicant's arguments filed March 8, 2005 have been fully considered but they are not persuasive.

Applicant first argues that the Examiner "inadvertently switched" reference characters with elements. The Examiner stands by the descriptions contained within the Non-Final, as defined by the broadest interpretation of reference Shiwaku (US 6,183,184).

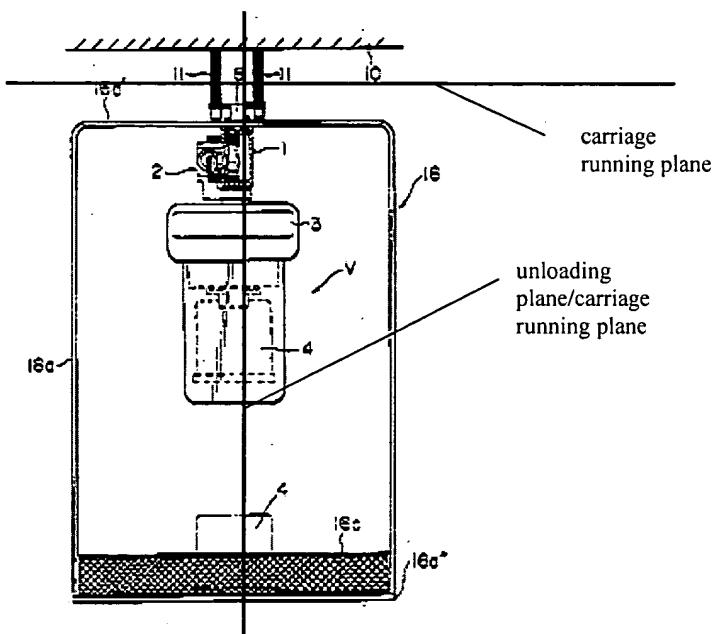
Applicant argues with respect to claim 1 that Shiwaku's buffers are not located to the side. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., that a buffer (45) is adjacent horizontally to a running path (2)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As is noted above under 102(b) rejections above, under the broadest interpretation of applicant's claimed invention Shiwaku discloses a buffer to the side of a running path. It is noted that the buffer is both beside and below the running path as shown FIG. 7.

Applicant next argues with respect to claim 1 that Shiwaku's storage rack, i.e. buffer, is not "at a height corresponding to a conveying means." As defined in www.dictionary.com "corresponding" is "in conformity with", and with reference to Shiwaku at the moment conveying means 3 releases an article 4 to a buffer 16, 16a, the conveying means height is in conformity with a buffer else the article would fall off the apparatus. Furthermore, it is noted that the features that applicant argues, in particular the buffers 45 are arranged so the rollers are at the same height as the rollers of the carriage", are not claimed.

Finally, Applicant argues that Shiwaku does not read on Claim 1 as amended. As noted above, Shiwaku still reads on applicants invention as claimed because Shiwaku unloads from conveying means to a buffer 16, 16a in a plane parallel with a plane in which a carriage moves. Plane defined by a vertical plane as shown in FIG. 6 below.

FIG. 6



Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600